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7 *Attorneys for Respondents*

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 JAMES ANTHONY DAVIS,
11 Petitioner,
12 vs.
13 DWIGHT W. NEVEN, et al.,
14 Respondents.

Case No. 2:15-cv-01574-RFB-NJK

**UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE OPPOSITION TO
PETITIONER'S MOTION FOR
EVIDENTIARY HEARING (ECF NO. 62)
(SECOND REQUEST)**

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16 Respondents hereby request an extension of time of an additional seven (7) days, up to and
17 including December 10, 2018, within which to file their Opposition to Petitioner's Motion for Evidentiary
18 Hearing (ECF No. 62). The current due date to file the Opposition is December 3, 2018.

19 This is the second enlargement of time sought by Respondents and is brought in good faith and
20 not for the purpose of delay. This motion is based on the accompanying declaration of counsel.

21 DATED: December 3, 2018.

22 ADAM PAUL LAXALT
Attorney General
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24 By: /s/ Heidi Parry Stern
Heidi Parry Stern (Bar. No. 8873)
Chief Deputy Attorney General
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1 **DECLARATION OF HEIDI PARRY STERN**

2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 I, HEIDI PARRY STERN, being first duly sworn under oath, depose and state as follows:

6 1. I am an attorney licensed to practice law in all courts within the State of Nevada; qualified
7 and admitted to practice before this Court; employed as a Chief Deputy Attorney General in the Office
8 of the Nevada Attorney General; and pursuant to this employment, I have been assigned to represent
9 Respondents in *James Anthony Davis v. Dwight W. Neven, et al.*, 2:15-cv-01574-RFB-NJK, and as such,
10 have personal knowledge of the matters contained herein.

11 2. I was assigned to this matter after the retirement this year of one of the attorneys in our
12 office. Since his retirement, our unit has been short staffed due to the office's inability to find a
13 replacement for him. As such, my caseload (particularly of death penalty cases) has been substantially
14 higher than normal during this timeframe.

15 3. In addition, during this same timeframe, I have had an unusually heavy load of oral
16 arguments before the Ninth Circuit, which have required significant preparation time. This includes, most
17 recently, *Robert Jones v. Jack Palmer, et al.*, Case No. 17-15575, which took place on October 9, 2018,
18 and *Alquandre H. Turner v. Renee Baker, Warden, et al.*, Case No. 17-72044, which took place on
19 November 16, 2018.

20 4. That the Opposition to Petitioner's Motion for Evidentiary Hearing is due to be filed
21 December 3, 2018.

22 5. Respondents request seven (7) days to file an opposition, up to and including December
23 10, 2018.

24 6. I have contacted opposing counsel, and she has no objection to this request for extension.

25 7. This is Respondents' second motion for enlargement of time to file the Opposition.

26 8. I have been working diligently to complete this opposition and do not anticipate seeking
27 additional extensions.

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9. This motion for enlargement of time is made in good faith and not for the purpose of delay.

DATED this 3rd day of December, 2018.

/s/ Heidi Parry Stern
Heidi Parry Stern (Bar No. 8873)
Chief Deputy Attorney General

IT IS SO ORDERED:


RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 6th day of December, 2018.

